## REMARKS

### Status Of Application

Claims 1-6 and 8-14 are pending in the application; the status of the claims is as follows:

Claims 1-3 and 5-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,974,008 to Lee ("Lee") and U.S. Patent Application Publication No. US2002/0184180 A1 to Debique et al. ("Debique").

Claims 4 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Claim Amendments

Claims 1, 6, and 10 have been amended to include limitations previously generally found in claims 5 and 7. These changes do not introduce any new matter.

Claim 5 has been amended to agree with newly amended claim 1. These changes do not introduce any new matter.

Claim 7 has been cancelled.

### Allowable Subject Matter

The objection to claims 4 and 14 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is noted with appreciation.

However, Applicant has elected to amend independent claims 1, 6 and 10 and to traverse the Examiner's arguments. Therefore, Applicant believes that each of the

independent claims are now in condition for allowance and that rewriting claims 4 and 14 in independent form, including all of the limitations of the base claim and any intervening claims, as suggested by the Examiner, is no longer necessary.

**35 U.S.C. § 103(a) Rejection**

The rejection of claims 1-3 and 5-13 under 35 U.S.C. § 103(a), as being unpatentable over Lee and Debique, is respectfully traversed based on the following.

Applicant has amended each of independent claims 1, 6 and 10 to include a limitation that the disk identification information and last play position will be stored only in response to a command from a user, such as by the selection of a switch position. The cited art fails to disclose that the generation and storage of this information may be contingent on user action, or may be selectable by a user. Rather, the disclosure of Lee indicates only that disk identification information and last play position will automatically be generated every time a disk is inserted into a player. For example, Lee's Fig. 4, which is a flowchart of the Lee disclosure, indicates that at step 42 detection of current disk ID and play position is automatically carried out. There is no option to ignore the disk ID and play position. The same concept is confirmed by Lee's Fig. 5, step 53, and Fig. 6, step 64.

Conversely, as amended, independent claims 1, 6, are 10 are clear that the calculation and storage of disk identification and play position information is carried out only in response to a command from a user. As this element is not disclosed in the references cited by the Examiner, independent claims 1, 6 and 10 can not be considered obvious in light of the cited references.

In the October 24, 2006 Office Action, the Examiner does address the limitation of requiring user input before disk identification and last play position will be stored in the discussion of claim 5 and 7. Specifically, the Examiner states that the feature of activating a switch to initiate reading or storage of information is old and that the concept of activating functions by selecting a switch is also old. While the second part of that assertion may be true, the Applicant is unaware of any prior art which discloses that disk

information and last play position may be stored in response to a user request. Applicant is aware only of art which does not read or store this information at all, or that, like Lee, automatically stores and records this information regardless of the user's wishes. The Examiner's mere assertion that this is a known concept is insufficient to support a rejection under 35 U.S.C. §103(a). The Patent Office is required to provide support for such assertions, which it has not done. See *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985) ("To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references."). Here the Office Action fails to provide any support for the Examiner's assertion.

Accordingly, it is respectfully requested that the rejection of claims 1-3 and 5-13 under 35 U.S.C. § 103(a) as being unpatentable over Lee and Debique, be reconsidered and withdrawn.

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## CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited. The Examiner is cordially invited to telephone the undersigned for any reason which would help advance the instant application to allowance.

Applicants believe no fees are due as a result of filing this paper. However, the Commissioner is authorized to charge any deficiency or credit any overpayment associated with this paper to Deposit Account No. 03-1800.

Respectfully submitted,

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Dated: 23 JAN 2007

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